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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 UNITED STATES OF AMERICA,)	No. CR 12-00719 EJD
)	
12 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER CONTINUING HEARING DATE
13 vs.)	AND EXCLUDING TIME UNDER THE
)	SPEEDY TRIAL ACT
14 JOSE ERNESTO VEGA-CRUZ,)	
)	
15 Defendant.)	
)	
16 _____)	

17 The defendant, Jose Ernesto Vega-Cruz, represented by Assistant Federal Public
18 Defender Diana A. Garrido, and the government, represented by Special Assistant United States
19 Attorney Meredith J. Edwards, hereby stipulate that, with the Court's approval, the status
20 conference currently set for Monday, November 19, 2012 at 1:30 p.m., shall be continued to
21 Monday, December 3, 2012 at 1:30 p.m.

22 The continuance is requested to provide both defense counsel and the government with
23 additional time to review discovery and to negotiate an appropriate resolution. The continuance
24 would provide both parties with the reasonable time necessary for effective preparation.

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1 Accordingly, both parties respectfully request that the time between November 19, 2012 and
2 December 3, 2012 be excluded under the Speedy Trial Act, 18 U.S.C. §§ 3161(h)(7)(A) and
3 (B)(iv).

4 IT IS SO STIPULATED.

5 STEVEN G. KALAR
6 Federal Public Defender

7 /s/

8 Dated: November 9, 2012

9

DIANA A. GARRIDO
Assistant Federal Public Defender

10 MELINDA HAAG
United States Attorney

11 /s/

12 Dated: November 9, 2012

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MEREDITH J. EDWARDS
Special Assistant United States Attorney

PROPOSED ORDER

Pursuant to agreement and stipulation of the parties, the Court HEREBY ORDERS that the time between November 19, 2012 and December 3, 2012 is excluded under the Speedy Trial Act, 18 U.S.C. §3161. The Court finds, pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv), that the failure to grant the requested continuance would unreasonably deny counsel reasonable time necessary for effective preparation, taking into account the exercise of due diligence. Furthermore, the Court finds that the ends of justice served by granting the requested continuance outweigh the best interest of the public and the defendant in a speedy trial. The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

IT IS SO ORDERED.

DATED: November 13, 2012



THE HONORABLE EDWARD J. DAVILA
United States District Judge